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PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND  
METHOD FOR FABRICATING THE WAFER

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In reply to the Restriction Requirement received April 4, 2005, via facsimile, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-11 are pending in the above-identified application.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. 121 as follows:

**Group I** - claims 1-5 directed to a device; and

**Group II** - claims 6-11, directed to a method for making the device of the claims of Group I.

Election

Applicants hereby elect the claims of Group I, i.e. claims 1-5. This election is made with a traversal.

Reasons for Traversal of Restriction Requirement

It is respectfully submitted that the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I. For example, the method steps recited in claim 6 require the formation of a base layer, a thin film layer and an emitter layer which have the same composition and properties as recited for the corresponding layers in elected claim 1. The reason indicated for the restriction requirement that the method recited in the claims of Group II may be used to form a "materially different product" is

not understood in that it appears the same product having the same properties is indeed formed by the method of non-elected group II claims. Consequently, it is submitted that there is no significant burden placed on the Examiner to examine all of the subject matter of all of the claims pending in the present application such that the Restriction Requirement should be withdrawn.


Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
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